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REMARKS

The Final Office Action mailed on November 2, 2006 has been reviewed and the Examiner's comments have been carefully considered. Claims 14-23 were previously canceled. Claims 24-30 were added and submitted in the Response dated August 8, 2006. Claims 1-13 and 24-30 are now pending in this case.

Independent claims 1, 29 and 30 are currently amended to correct antecedent basis.

Claim 13 is now amended to specify that the working fluid comprising a polysiloxane solvent. Support for the amendment is found in paragraphs 0123 and 0124 of the written description as filed.

In response to the rejections of claims 1-13 and 24-30 under 35 U.S.C. §103(a) as being unpatentable over the primary reference of Flynn et al. (U.S. Patent No. 5,962,390) in view of the secondary references (Dickey, DePas et al., Tatch and Krugman), Applicants are hereby filing an Affidavit under 37 C.F.R. §1.131 to swear behind the reference and to remove it from consideration. The Affidavit and supporting documents show that the Applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the effective date of Flynn et al.

I. Rejections of Claims 1-13 and 24-29 under 35 U.S.C. §112, second paragraph

In the Office Action dated November 2, 2006, claims 1-13 and 24-29 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The USPTO states that Claims 1 and 29 recite "agitation cycles" and claims 2-12 and 24-28 are dependent from claim 1 and inherit the same deficiency.

Applicants hereby amend claims 1 and 29 to recite "oscillations" to correct antecedent basis.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-13 and 24-29 under 35 U.S.C. §112, second paragraph.

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II. Rejection of Claims 13 and 27 under 35 U.S.C. §112, second paragraph

Claim 13 stands rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The USPTO states, "The components of the working fluid are not clearly defined, therefore the flash point of the working fluid can not be determined."

Claim 13 is now amended to specify that the working fluid comprising a polysiloxane solvent. As mentioned above, support for the amendment is found in paragraphs 0123 and 0124 of the written description as filed. The flash point of polysiloxane solvents can be easily determined by one of ordinary skill in the art. Such information can be found on commercial materials data sheets and published references.

In addition, Applicants respectfully submit that the working fluid as originally claimed is clearly defined for the reasons provided in the Response dated August 8, 2006. Claim 13 depends from claim 1 which recites a method of cleaning, which among several elements of the method claims, recite the use of "substantially non-reactive, non-aqueous, non-oleophilic, apolar working fluid." Applicants maintain that these chemical property terms are definite because they are well-known to those of ordinary skill in the dry-cleaning arts. One skilled in the art of dry-cleaning would know, or be able to test decisively, whether a compound has each one of these properties and falls into the metes and bounds of the method as claimed.

Claim 27 depends from amended claim 13 which now recites polysiloxane solvents, and therefore, claim 27 is definite for the same reasons described with respect to claim 13.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 13 and 27 under 35 U.S.C. §112 as being indefinite.

III. Rejection of claims 1-13, 24-30 under 37 U.S.C. §103(a) as being unpatentable over Flynn et al. (US 5,962,390) in view of the secondary references.

Claims 1-13 and 24-30 stand rejected under 37 USC §103(a) as being unpatentable over the primary reference Flynn et al. (US 5,962,390) in view of secondary references as described below.

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Applicants' patent application 10/699,920 is a continuation-in-part of Ser. No. 10/420,115 now US 6,766,670 issued July 27, 2004, claiming benefit from provisional application no. 60/045,072 filed on April 29, 1997 (the effective filing date).

Flynn et al. U.S. Patent No. 5,962,390 (Ser. No. 08/649,361) filed on May 17, 1996 and issued on October 5, 1999 is a continuation-in-part of application No. 08/573,416 filed on December 15, 1995, and which is a continuation of application No. 08/375, 812, filed January 20, 1995 now abandoned.

Applicants are hereby submitting an Affidavit under 37 C.F.R. §1.131 to swear behind the reference of Flynn et al. U.S. Patent No. 5,962,390 (Ser. No. 08/649,361) and to remove it from consideration. The Affidavit and supporting documents show that the Applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the filing date of Flynn et al. on May 17, 1996. The supporting documents also show that Applicants identified working fluids that are inert and effective, and have identified several non-exclusive candidates. One such document shows Fluoroinert and describes certain desirable chemical qualities, including that it has no deterative qualities and is non-reactive. In short, the documents evidence a conception and reduction to practice, thus removing the reference from consideration.

a. Claims 1-5, 13, 24, 27, 29 and 30 are not obvious under 35 USC 103(a) over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118).

Claims 1-5 and 13 stand rejected under 35 USC §103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118). The USPTO states that it would have been obvious for one of ordinary skilled in the art to modify Flynn, et al., which discloses methods of cleaning fabrics, to incorporate the agitation means taught by Dickey for improved mixing of the working fluids and fabrics during dry cleaning.

Applicants maintain that a prima face case of obviousness under 35 USC §103(a) has not been established by the cited art of record, for the reasons described above, namely, that Applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the effective date of the Flynn et al. reference, as discussed above,

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thus removing the reference from consideration.

Applicants were the first to conceive of a method for cleaning a load of fabrics in a washing machine which could be achieved using an substantially inert working fluid (IWF) that is not damaging to the fibers. Inert action relies significantly on mechanical cleaning and thermal action and less on chemical cleaning. Applicants have found, surprisingly, that fabrics could be well cleaned by a method in which a working fluid, or the bulk fluid is a substantially inert working fluid provided it is used in conjunction with an adjuvant.

The Dickey reference uses traditional cleaning solvents chosen to chemically clean and does not involve an inert working fluid (IWF) or a reliance significantly on mechanical cleaning. Dickey makes no suggestion as to moving the clothing inside the basket and no mention of rotating the basket for purposes of substantially mechanically cleaning clothes. The teaching of the reference must be taken for what it fairly suggests. Lack of evidence of motivation to combine is a critical defect in establishing a prima facie case of obviousness. One must consider the invention as a whole and the references as a whole and be motivated to make substitutions, or otherwise the combination is hindsight reconstruction.

Applicants respectfully request withdrawal of the rejection of claims 1-5, 13, 24, 27, 29 and 30 under 35 USC 103(a) as being obvious over Flynn et al. in view of Dickey.

b) Claim 6 is not obvious under 35 USC 103(a) over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of De Pas et al. (US Patent 3,163,028).

Claim 6 which depends from claim 1 stands rejected under 35 USC 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of De Pas et al. (US Patent 3,163,028).

Applicants' maintain that a prima face case of obviousness under 35 USC 103(a) has not been established by the cited art of record, for the reasons described above, namely, that Applicants had conceived of and diligently reduced to practice the method recited in the independent claim 1 prior to the effective date of the Flynn et al. reference, thus removing the reference from consideration.

Accordingly, Applicants respectfully requests withdrawal of this claim 6 rejection as

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being unpatentable over Flynn et al. in view of Dickey, and further in view of De Pas et al.

c) Claims 7 and 10 are not obvious under 35 USC 103(a) over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of Tatch et al. (US 5,431,827).

Claims 7 and 10 are rejected under 35 USC 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of Tatch et al. (US 5,431,827).

Applicants maintain that a prima face case of obviousness under 35 USC 103(a) has not been established by the cited art of record, for the reasons described above, namely, that Applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the effective date of the Flynn et al. reference, thus removing the reference from consideration.

Applicants respectfully requests withdrawal of the rejection of claims 7 and 10 as being unpatentable over Flynn et al. in view of Dickey, and further in view of Tatch et al.

d) Claims 8, 9, 11, 25, 26, and 28 are not obvious under 35 USC 103(a) over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and Tatch et al. (US 5,431,827) and further in view of Krugmann (US 4,252,546).

Claims 8, 9, 11, 12, 25, 26 and 28 are rejected under 35 USC 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and Tatch et al. (US 5,431,827) and further in view of Krugmann (US 4,252,546). The USPTO states that it would have been obvious to one of ordinary skill in the art to modify Flynn et al. by incorporating the water condensation means taught by Krugmann et al. involving solidification of water.

Applicants' maintain that a prima face case of obviousness under 35 USC 103(a) has not been established by the cited art of record, for the reasons described above, namely, that Applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the effective date of the Flynn et al. reference, thus removing the reference from consideration.

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In addition, Applicants noted in the Response to the previous Office Action dated May 8, 2006 that Krugmann et al. disclose that the basis of separating the dry cleaning solvent from the newly-formed water is due to their differences in specific gravity rather than separation of water ice crystals by filtration, as recited in claims 8, 9, 11 and 12 of the present application. Furthermore, Krugmann et al. disclose recovering exhaust gas and not compositions used for cleaning.

With respect to claims 29 and 30, the USPTO states that it would have been further obvious to optimize the cleaning and drying steps by randomizing and repeating the oscillation steps only require routing skill in the art. Applicants respectfully submit that they have found that randomized oscillation during the wash cycle (as recited in claim 29) and randomized oscillations during both the wash and dry cycles (as recited in claim 30) result in improved cleaning in less time and therefore improved fabric care. In a wash method which involves an inert working fluid (IWF) and a reliance significantly on mechanical cleaning, then the fabric care, which is affected by the forces exerted on the clothing is increasingly desirable. None of the cited references address fabric care, nor any idea relating thereto, and random oscillations in at least one of speed and duration as recited in Applicants' written description (paragraphs 0154-0156, page 57, lines 1-15) and claims 29 and 30. No motivation of randomness of speed and/or duration of the oscillations has been shown to be derived by the cited references, and thus no prima facie case of obviousness has been established.

Accordingly, Applicants respectfully request withdrawal of rejection of claims 8, 9, 11, 12, 25, 26 and 28 as being unpatentable over Flynn et al., in view of Dickey, further in view of Tatch et al., and further in view of Krugmann et al.

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Conclusion

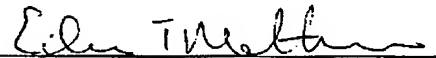
In summary, Applicants believes that this Amendment is fully responsive to the Final Office Action mailed on November 2, 2006, and that Applicants' claims include features that patentably define over the cited references. It is respectfully requested that for the foregoing reasons claims 1-13 and new claims 24-30 of this application be found in condition for allowance.

If the Examiner believes there are any further matters, which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0959, referencing our Docket No. 094342.0031.

Respectfully submitted,
ROETZEL & ANDRESS

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